

INITIAL STATEMENT OF REASONS

SRA Classification System, 2006

[Published December 16, 2005]

Title 14 of the California Code of Regulations (14 CCR),

Division 1.5, Chapter 7 Fire Protection, Article 1.

Amend:

Presently Classified and Recorded Boundaries. § 1220

The California State Board of Forestry and Fire Protection (Board) is promulgating a regulation to update a procedural publication which is used to classify State Responsibility Areas (SRA). SRA, pursuant to Public Resources Code §4125-4128, are all lands in the state where the financial responsibility of preventing and suppressing wildfire is primarily the responsibility of the State. The procedural publication is titled *State Responsibility Area Classification System*. This publication provides instructions for evaluating and documenting periodic changes to the official SRA maps.

The proposed amendments to the *State Responsibility Area Classification System* publication are related to the following:

- Update documentation requirements and terminology;
- Provide greater flexibility for the Board to consider special requests for changes to SRA;
- Provide greater flexibility for the Board to determine the date when the SRA changes become effective;
- Providing automatic changes to the SRA map when land is exchanged between the federal government and private owners.

The proposed amendment to 14 CCR § 1220, "Presently Classified and Recorded Boundaries", changes the calendar date of the adopted revision.

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS

Current instructions in the procedural publication titled *State Responsibility Area Classification System* for classifying State Responsibility Areas (SRA) are outdated and provide limited flexibility for the Board to better serve the public's needs for determining the state's fire protection responsibilities. For example, many of the terms used to reference government entity names have changed. Also, technical Geographic Information System terminology has now become outdated as new information systems

evolve. These types of changes are essentially non-substantive and found throughout the current publication.

Other proposed changes are substantive and necessary to better serve the public's fire protection needs and equitably allocate the California Department of Forestry and Fire Protection's (Department) financial responsibility for fire protection services. As land uses change rapidly in California, many land use changes or ownership changes occur. As changes convert wildland uses to development or agricultural uses, many lands no longer are statutorily required to be protected or financed by the State. Protection is more efficiently served in these cases by local government. Proposed changes will allow the Board greater time flexibility for holding public hearings and special reviews (non five-year reviews) to understand public concern over these rapid land uses changes and the resultant fire protection needs. Additionally, by establishing greater time flexibility for implementing dates when the SRA changes become effective, there will be more accurate SRA maps that reflect current land use circumstances and thus appropriate fire protection services.

SPECIFIC PURPOSE OF THE REGULATION

The purpose of this regulation is to provide guidance for implementing the changes to the SRA maps. Specific proposes and necessities of each subsection of the regulation are described below:

Section 1220 is amended to document the calendar date change proposed to the procedural publication titled "*State Responsibility Area Classification System*", which is being amended under this proposal. This change is necessary to ensure current documentation is filed in accordance with the Administrative Procedures Act.

Non-substantive changes: Many non-substantive changes are proposed through the procedural publication. As mentioned, changes are made to replace outdated terminology, government agency official names, page numbering, and record forms. Other non-substantial changes are related to the Regional Review of the proposed SRA changes. These changes address current information review and routing mechanisms currently being used in the Department. All of these changes have no effect on the regulated public, or any economic or fiscal effect.

Another non-substantive change is found on page 13, line 23. The field evaluation key is amended to indicate that changes from SRA to Local Responsibility Area (LRA) shall occur when development averages more that three dwelling per acre 250 acres or more. Previous procedures indicated that this density was to be evaluated over a 40 acre parcel. The 40 acre size limit was an unintentional inclusion that was specially changed in the last update in 1984.

Substantive Change - Five Year Review Hearing Schedule and Implementation

Date: A substantive change is made on page 11, line 17 of the proposed procedural publication. This amendment addresses changes to the Board's hearing schedule for the five year review of SRA map changes. The changes amend the publication to allow the Board an unspecified period to time to notify the public of public hearings related to five

year SRA changes. Additionally, amendments allow the Board to set implementation date at time determined by the Board. Previous procedures required implementation date to be no sooner than July 1 of the year following the adoption of changes. The proposed changes are specifically described on page 18 line 19. The amendments allow the Board no earlier than 90 days from the date of approval of changes for the change to become effective or the existing July 1st date. This change gives the Board greater flexibility to respond to public request for more immediate changes and would be responsive to landowner concerns over their parcel being properly or improperly designated as SRA.

Substantive Change - Schedule for Special Reviews and Implementation Dates:

Another substantive change is found on page 18, line 38 regarding “Review Schedule for Special Reviews”. Proposed amendments set a unique review schedule for Special Reviews, and are differentiated for the routine five year reviews. Under the proposed amendments of Special Reviews, set dates to start and complete the special review are eliminated. The proposed special review schedule provides 30-day time periods during which the Department must conduct the evaluation and approval of the SRA change. Similar to the five year review, the Board’s “Level five” review contains non-specific time periods for public hearing and a minimum 90-day period following adoption for the earliest implementation date. This change also gives the Board greater flexibility to respond to public request for more immediate changes and would be responsive to landowner concerns over their parcel being properly or improperly designated as SRA.

Substantive Change - Automatic Inclusion in SRA of federal exchanges to Private ownership: A substantive change is proposed on page 25 and 26 related to procedures for processing changes to SRA necessitated by transfers of land from federal ownership to private. Current procedures automatically allow exclusion of exchanges from private to federal ownership. The proposed change would provide a similar mechanics for newly held private lands obtained from federal ownerships. These lands would be classified as SRA following verification that they meet the vegetative/land form characteristics of SRA and notification to the affected county is provided within 120 days of the Department’s approval of the change. This change is necessary to facilitate the regular readjustment of adjacent private and federal lands for convenience of administration.

**ALTERNATIVES TO THE REGULATION CONSIDERED BY THE BOARD
AND THE BOARD’S REASONS FOR REJECTING THOSE ALTERNATIVES**

The Board has considered alternatives to the regulation proposed. The alternatives primarily relate to not taking any actions to update the procedural publication and various time frames for the date under which the effective date of SRA changes may be implemented. The following alternatives were considered:

Alternative #1: No Changes to Existing Procedural Document

This alternative would have resulted in no regulatory or procedural document changes. Procedures for classifying SRA would be based on existing documents. This alternative was rejected as the Board determined that greater flexibility is needed in establishing SRA boundaries to more accurately reflect current land use circumstances and thus appropriate fire protection services.

Alternative #2: Establish no Specific Time Frames for Implementation Dates of Newly Adopted SRA Changes

This alternative included eliminating waiting period between the date the Board adopts the SRA change and the date they become effective. Currently, this time frame is eight months and is intended to allow sufficient time for counties to adjust their fire protection services for adopted SRA changes. This alternative was rejected as it did not provide adequate time for local governments to respond fire protective service changes based on expected changes in SRA.

POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS

The California Environmental Quality Act (CEQA) requires review, evaluation and environmental documentation of potential significant environmental impacts from a qualified project. The Board's rulemaking process was determined to be categorically exempt from environmental documentation in accordance with 14 CCR 1153(b)(4), Declaration of Categorical Exemptions, and Adoption of rules for the fire protective system in accordance with PRC 4111. Landowner implementation of the regulation is not a CEQA project because there is no government permit or funding associated with the activity.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

No economic impacts to the regulated public will occur from implementation of this regulation as no changes are made to the existing criteria used to evaluate inclusion or exclusion of SRA and the resultant level of fire protection services.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The Board has considered several alternatives to improve the economic efficiency of the regulation to make it more cost effective for small business to use. Alternatives considered included greater or lesser time frames for allowing local government to prepare for the effective date of implication of the SRA changes. These alternatives were rejected as the lesser time that provided advance notice would result in inadequate notification period for local governments to respond and prepare for the changes.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Board consulted the following listed information and/or publications as referenced in this *Initial Statement of Reasons*. Unless otherwise noted in this *Initial Statement of Reasons*, the Board did not rely on any other technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation: None

Pursuant to Government Code 11346.2(b)(6): In order to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues as those addressed under the proposed regulation revisions listed in this *Statement of Reasons*; the Board has directed staff to review the Code of Federal Regulations. The Board staff determined that no unnecessary duplication or conflict exists.

PROPOSED TEXT

The proposed revisions or additions to the existing rule language is represented in the following manner:

UNDERLINE indicates an addition to the California Code of Regulations, and

~~STRIKETHROUGH~~ indicates a deletion from the California Code of Regulations.

All other text is existing rule language.

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